

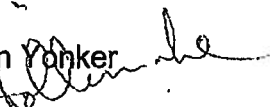


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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TECHNOLOGY, MANAGEMENT & BUDGET
LANSING

DAVID B. BEHEN
DIRECTOR

September 10, 2014

TO: The Honorable Ken Yonker 
FROM: Mary Hollinake, Register of Deeds, Kent County and
Chair, Michigan Electronic Recording Commission
SUBJECT: Amendment of PA 123 of 2010 (MCL 565.845)

In 2000, the Electronic Signatures in Global and National Commerce (E-Sign) Act was passed at the federal level. It basically stated that electronic signatures, contracts, and other records may not be denied legal effect or enforceability solely because they are electronic. Later that year, the Uniform Electronic Transaction Act passed in Michigan which authorized and provided that information and signatures can be transmitted, received, and stored by electronic means.

Those laws, however, did not specifically mention real estate transactions. Therefore, Michigan passed Public Act 123 of 2010, the "Uniform Real Property Electronic Recording Act," to provide for the recording of electronic documents by a county register of deeds.

Effective January 1, 2011, the Electronic Recording Commission was created within the Department of Technology, Management, and Budget (DTMB). The Commission consists of the DTMB Director (a nonvoting member) and seven members appointed by the Governor: four county registers of deeds, an individual engaged in the land title profession, an individual engaged in the business of banking, and a licensed attorney whose practice emphasizes real property matters. The appointed members serve two-year terms.

As prescribed by legislation, the Commission met quarterly from September 2011 through November 2013. A public hearing on the proposed draft standards was held as part of the May meeting.

The commission officially issued the standard on August 27, 2013 with an effective date of Jan. 1, 2014.

Since the standards are complete, no reason exists to meet quarterly.

We request a change to the legislation which would require the Commission to meet annually (or at the call of the chair) to review and, if necessary, modify the standards.

We appreciate your support of this amendment. Thank you.